HIGH COURT OF CHHATTISGARH, BILASPUR

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ

M.C.C.No.110 of 2006

APPLICANT: Kamta Prasad Arya,
Aged about 74 years,
Son of Late Pratap Narayan Arya,
R/o Banjari Chowk, Gole Bazaar,
Raipur (C.G.)

- Versus -

RESPONDENTS:

1. State of Chhattisgarh,
Through the Collector, Raipur.
2. The Tahsildar (Nazul), Raipur.
3. Raipur Municipal Corporation,
A body having common seal and perpetual succession through the Commissioner, Raipur Municipal Corporation, Malviya Road, Raipur.

Present: -

Mr. B.P. Sharma, Advocate: For the applicant.

Mr. Vinay Harit, Deputy Advocate General: For the State/respondent Nos.1&2

ORDER

(Passed on 23rd March, 2006)

1) It is contended that Civil Suit No.211-A/2002 filed by the applicant in the Court of 11th Civil Judge, Class-II, Raipur for declaration and injunction is not against the Raipur Municipal Corporation, but, against a neighbouring land owner. In the writ petition, what is assailed is the action of the Raipur Municipal Corporation suspending the building licence.

2) In that view of the matter, the M.C.C. is ordered as prayed for. Order dated 7th February, 2006 is set aside and W.P.No.458/2003 is restored to file of the Court.

Sd/-
Chief Justice

Soma